

Mr. Speaker, I submit to my colleagues that this is commonsense legislation. It is supported across the country, and it is constitutional.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I think it is unfortunate that this Congress has apparently failed to take the opportunity to unite on something that I think we could agree on, namely, that it is wrong to assault women. It is wrong to assault pregnant women. It is a dreadful crime to cause a miscarriage through an assault on a woman. Instead of addressing these dreadful offenses we are back to that same old fight that divides this country, abortion.

Mr. Speaker, I know that there are Members of this House on both sides of the aisle who disagree on the question of abortion. Oftentimes those viewpoints are rooted in one's religious beliefs. I accept the fact that this country has disagreements about abortion.

It is unacceptable that we would use the issue of violence against women and causing miscarriages as the entryway to having still another fight about choice.

Mr. Speaker, I believe the Unborn Victims of Violence Act will be found unconstitutional. The gentleman mentioned that there are State statutes that define a person as a zygote or an embryo, but those State statutes have not been tested in the Federal courts or in the Supreme Court, and are clearly at odds with *Roe v. Wade*. Instead we can adopt a substitute that will be offered later today that assures that any woman who is assaulted and, as a consequence of that assault, miscarries and loses her opportunity to have a much-wanted child, occasions a separate prosecution. We should not tolerate behavior that causes miscarriage.

Any person who has lost a child, any person who has had a miscarriage, understands that is a devastating event that one never forgets and never gets over. I am hopeful that we can put the abortion debate to one side and reserve the argument about abortion for another day and come together with the Lofgren-Conyers substitute that will be offered later today and not entangle this very serious issue, of harming a pregnant woman, with that other fight, about abortion and choice.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds.

I agree we ought to talk about abortion when an abortion bill comes up. You are not hearing about abortion from this side of the aisle. The other side of the aisle is bringing up the issue of abortion.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I have to agree with the gentleman from Wisconsin (Mr. SENSENBRENNER). This has become an abortion debate because the

other side of the aisle has made it such. They are so extreme and so afraid that they would lose their right to have an abortion, that they would even deny those unborn children that are killed by crime the rights that are due every other citizen in this country.

Mr. Speaker, Members should support this bill and oppose the Lofgren amendment because it fails to acknowledge when unborn children are killed, they have been murdered. Life and death should not be subsumed beneath some semantic fog. It is time that our society begin recognizing and defending both victims who are harmed when violent criminals attack pregnant women. Those who would artificially discriminate between lives lost to crime within and outside the womb draw empty and callous distinctions. All life is precious. Society must protect every victim of crime.

Mr. Speaker, current Federal law devalues and denies significance to unborn children. This destructive precedence has two unfortunate consequences. First, current law accrues to the benefit of the murderous thugs who destroy the lives of unborn children. These criminals are not forced to atone for the young life that they have destroyed.

Second, by denying a legal identity to unborn victims, we create a society that is coarser, less feeling and less than it would otherwise be. The law must not look upon a violent criminal's unborn victim with an indifferent eye. Every young life must be acknowledged. Every young life must be protected from predatory criminals.

Of course society through manners and custom have always deferred to the care and comfort of pregnant women, but we would be callously deceived if we limited our heightened attention merely to the woman's physical condition without acknowledging a vital predicate. It is precisely because a woman carries the miracle of life within her that she becomes the most precious and treasured member of society. It is because two lives exist together that society seeks to protect the woman. And the law must protect both lives. The law cannot remain blind on this point.

Mr. Speaker, let us take the logic underlying the opposition to this bill and apply it to the case of an elderly victim. It would be a truly repugnant idea to suggest that criminals should serve diminished sentences if they preyed on elderly victims with only a few years left to live. Fortunately, society does not draw this ugly distinction. We value and protect life until a person draws their final breath. It is intrinsically flawed reasoning leading to an equally gross injustice to deny explicit protection to an unborn person who is months, weeks, or even days from breathing his or her first breath.

Society must extend the protection of a law to every vulnerable victim. The mothers of these murdered children see these crimes with the proper

perceptive. In an all-too-common set of horrible circumstances, the criminal's unborn victim is actually the primary target when a murderer stalks a pregnant woman. Under current law, when an unborn victim is murdered, in the eyes of society, no one has died. That has to change in our society.

Mr. Speaker, it is time to end this awful and unconscionable oversight. This bill extends protection to every vulnerable victim in America. Support this bill so that society will acknowledge and defend every vulnerable American.

Mr. CONYERS. Mr. Speaker, I yield 7 minutes to the gentleman from New York (Mr. NADLER), and ask him to yield to me.

Mr. NADLER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I wanted to say to the gentleman from Texas, the very distinguished majority whip, before he leaves the floor that we do recognize and make prosecutable killers of women that are pregnant.

Mr. Speaker, we create two separate crimes, so I do not want that misstated again unless you read the Lofgren-Conyers substitute. Two separate crimes, both prosecutable and will be prosecutable because they are constitutional.

Mr. NADLER. Mr. Speaker, I oppose this bill before us today because it is unnecessary, misguided and facially unconstitutional. The Supreme Court in *Roe v. Wade* clearly said, "The unborn have never been recognized in the whole sense," and concluded that "person," as used in the 14th amendment of the Constitution, does not include the unborn.

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As the gentleman from Texas (Mr. DELAY) just made clear in his speech a moment ago, as everybody I have heard on the other side has made clear in their speeches, the whole purpose of this bill is precisely to label the unborn fetus or zygote or blastocyst as a person in the whole sense of the word. That is their purpose. Therefore, it is an abortion debate, because if it is murder to cause a miscarriage of a zygote or a fetus, then logically it is murder to perform an abortion. That is why we are debating abortion, and that is why they are debating abortion, whether they admit it or not.

Mr. Speaker, we are going to hear a lot today about violence to fetuses, embryos, zygotes, blastocysts. We will hear a lot about horrific acts of violence perpetrated against women at advanced stages of pregnancy, causing injury to the fetus. The sponsors will claim, even though this bill addresses only violence against fetuses, that this bill is really being considered to protect the welfare of these women.

We should have no illusions about the purposes of this bill, that it is yet another battle in a war of symbols in the abortion debate in which opponents of a woman's constitutional right to choose attempt to portray fetuses from